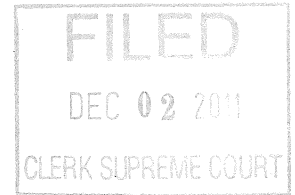


CHAPTER 1
RULES OF CIVIL PROCEDURE



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(proposed new rule)

Rule 1.1702 Uniform Interstate Depositions and Discovery Rule.

1.1702(1) Definitions. In this rule:

- a. "Foreign jurisdiction" means a state other than this state.
- b. "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.
- c. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.
- d. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- e. "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to:
 - (1) Attend or give testimony at a deposition;
 - (2) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or
 - (3) Permit inspection of premises under the control of the person.

1.1702 (2) Issuance of subpoena.

a. To request issuance of a subpoena under this section, a party to a proceeding in a foreign jurisdiction must submit a foreign subpoena to the clerk of court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under this section does not constitute an appearance in the courts of this state. An attorney licensed

or otherwise authorized to practice law in Iowa also may issue and sign a subpoena as an officer of the court.

b. When a party submits a foreign subpoena to a clerk of court in this state or to an attorney licensed or otherwise authorized to practice law in Iowa, the clerk, in accordance with the court's procedure, or the attorney, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

c. A subpoena under subsection (b) must:

(1) Incorporate the terms used in the foreign subpoena; and

(2) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

1.1702 (3) *Service of subpoena.* A subpoena issued under rule 1.1702(2) must be served in compliance with rule 1.1701(3).

1.1702 (4) *Deposition, production, and inspection.* Rule 1.1701 applies to subpoenas issued under rule 1.1702(2).

1.1702 (5) *Application to court.* An application to the court for a protective order or to enforce, quash, or modify a subpoena issued under rule 1.1702(2) must comply with the rules or statutes of this state and be submitted to the court in the county in which discovery is to be conducted.